



841 Chestnut Building
Philadelphia, Pennsylvania 19107

Philadelphia, Pennsylvania 19107

MAY 20 1987

Mr. Ronald Nelson, Director
Waste Management Administration
Department of Health and Mental Hygiene
201 West Preston Street
Baltimore, Maryland 21201

Waste Management Administration

Department of Health and Mental Hygiene

201 West Preston Street

Baltimore, Maryland 21201

Dear Mr. Nelson:

We are in receipt of your letter of April 9, 1987, expressing your concerns over the rate of progress and the direction being taken by EPA Region III in its remedial response efforts at the Limestone Road Site in Cumberland, Maryland.

Regarding the inclusion of the Cumberland City Dump into the Limestone Road Site, it is my understanding that this matter was discussed with the State prior to the issuance of the Record of Decision (ROD). At that time we provided an explanation, specifically, that EPA-Headquarters had agreed that contiguous properties could be incorporated into the definition of a site without formal rulemaking, if information indicated that as being necessary to ensure a complete investigation to determine the nature and extent of contamination. As a result, EPA has no current plans to propose the City Dump on the NPL.

Regarding the work plan, EPA promptly reviewed the draft work plan for a remedial design and supplemental RI/FS as submitted by some potentially responsible parties (PRPs) shortly after its receipt in January 1987. Subsequently, in phone conversations with the PRPs it was agreed that the draft work plan constituted in EPA's mind, a good faith proposal by the PRPs to implement the remedy outlined in the Agency's September 1986 ROD. It was also agreed that a meeting between EPA, the PRPs and your office should be scheduled to resolve any technical issues which remained regarding the PRP proposal.

In considering the PRP proposal, a significant fact is that the PRPs basically intended their groundwater investigations to address only the Diggs and Cumberland Cement and Supply Company (CCSC) properties, while as you have pointed out, the Cumberland City Dump is important in considering the overall extent of groundwater contamination in the area. The EPA draft work plan which you received on April 8, 1987, was primarily intended to outline the needed investigations for the Cumberland City Dump. The work plan also includes some groundwater investigations which overlap work outlined in the PRP proposal. Our delay in meeting with the PRPs was to ensure that EPA and the State had an opportunity to compare both work plans and proceed on a course which would minimize any duplication of effort.

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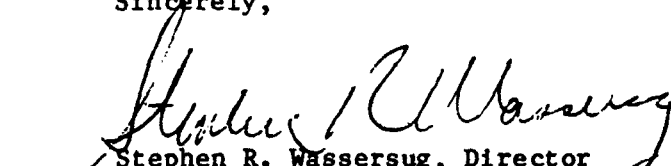
By letter of April 7, 1987, EPA formally advised the PRPs that their proposal constituted a good faith effort to implement the ROD. On April 22, 1987, EPA and your staff met with the PRPs for the site and at that meeting agreements were reached on most of the technical issues raised during work plan reviews. Furthermore, it was agreed at that time that by June 1, 1987, the PRPs would submit a final work plan for the supplemental RI/FS work and EPA would submit to the PRPs a draft consent decree for their review and further settlement negotiations.

We share your concern and interest that fund dollars not be spent where PRPs have committed to do the work. However, at the Limestone Road Site the PRPs' primary intention was to undertake a groundwater investigation for the Diggs and CCSC properties, whereas some source control and groundwater investigations at the City Dump are also warranted. In reviewing the final PRP work plan and working with your office, we believe we can obtain from the PRPs an agreement to perform a more comprehensive groundwater investigation, which in turn may enable eventual conclusions to be drawn regarding the extent of groundwater contamination in the overall area and the role of the City Dump as a source of groundwater contamination.

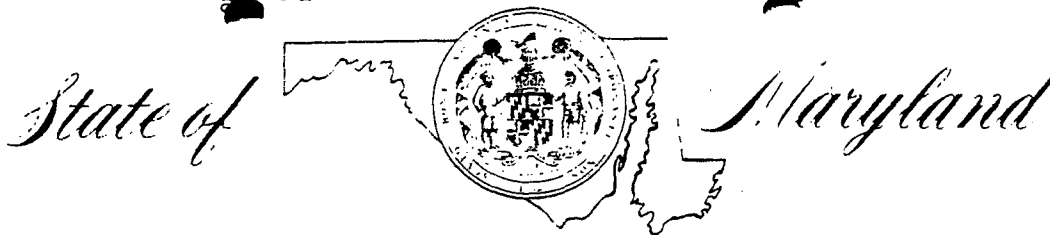
With regard to the needed source control investigations at the City Dump, we are prepared to initiate a fund financed study. However, we recognize from previous discussions with your office that the State has considered taking a State enforcement action, consistent with the State's solid waste requirements, to obtain a cleanup and/or closure of the City Dump. Prior to initiating our study, we would like to be advised on the current status of a State enforcement action at the Cumberland City Dump. If a cleanup using your enforcement authorities is not imminent, we would like to begin promptly the source control study.

If any questions arise regarding our positions as outlined in this letter, please feel free to contact us.

Sincerely,


Stephen R. Wassersug, Director
Hazardous Waste Management Division

AR3066574



OFFICE OF ENVIRONMENTAL PROGRAMS
DEPARTMENT OF HEALTH AND MENTAL HYGIENE

201 WEST PRESTON STREET • BALTIMORE, MARYLAND 21201 • AREA CODE 301 • 225- 5647
TTY FOR DEAF: Balto. Area 383-7555
D.C. Metro 565-0451

Adele Wilzack, R.N., M.S., Secretary

William M. Eichbaum, Assistant Secretary

April 9, 1987

Mr. Stanley L. Laskowski
United States Environmental
Protection Agency
Region III
841 Chestnut Street
Philadelphia, Pennsylvania 19107

RECEIVED

APR 22 1987

Hazardous Waste Management Division
EPA - Region III

RE: Limestone Road Site,
Cumberland, Maryland

Dear Mr. Laskowski:

I am writing to express the State's disappointment at the lack of progress we perceive regarding this site. Following issuance of the ROD, there have been numerous discussions between a group of PRPs, EPA, and the State regarding this site. In those discussions, the PRPs have indicated their desire to undertake further remedial investigations and remedial work at the site. In fact, early in January, the PRP group submitted a draft work plan for Supplemental Remedial Investigation/Feasibility Study and a remedial design for the site.

Since that work plan was submitted, several meetings of PRPs, State, and EPA personnel have been scheduled but cancelled by the EPA. EPA has not yet responded to the work plan submitted by the PRPs. This lack of communication, let alone lack of negotiations on the subject, is distressing and is not in accordance with past practices of EPA or with our understanding of the policy direction required under SARA.

On April 8, 1987, my staff received a note accompanying a draft work plan for Phase IV Remedial Investigation/Feasibility Study from the EPA. We have been asked to comment by April 20, 1987. Our first comment is, quite simply, this work plan is not necessary given the willingness of the PRP group. Although this PRP group and its willingness to take over the site is a

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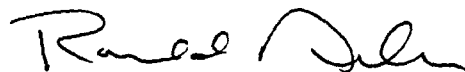
Mr. Stanley L. Laskowski
April 9, 1987
Page 2

development, we believe that development is quite significant. It simply does not make sense in this context for the government to continue to spend fund dollars to do work on a site when PRP dollars are available.

We noted on page 2-2 of the work plan that "EPA Region III has added the Cumberland City Dump to the NPL site." This is the first notice we received of this inappropriate action. In fact, the record of decision issued in September 1986 said "the Cumberland City Dump, though not included in the site definition used for inclusion of the Limestone Road site on the NPL, is a major factor" Amendment of an NPL site description without publication of that notice in the Federal Register, without notice to the State, and without notice to the public is simply inappropriate.

My staff will reluctantly review the EPA's draft work plan and we will provide further comments on that work plan. We oppose implementation of that work plan until or unless negotiations with the PRPs fail. We hope that we simply misunderstand what we believe to be a wrongheaded movement by EPA toward a fund lead for a redefined site. We hope to meet shortly with EPA and the PRPs to move toward implementation of remedial work by the available PRP group.

Very truly yours,



Ronald Nelson
Director, Waste Management
Administration

RN:dmw

AR804667

Patty Bubar (3HW-527)
U. S. EPA
401 M. Street S. W.
Washington, D.C. 20460

NOV 1 1987

Dear Patty:

Enclosed are the materials that you requested for the Limestone Road Site. We hope to finalize a settlement at this site by March 31, 1987, and I would appreciate any input into the process that you could provide.

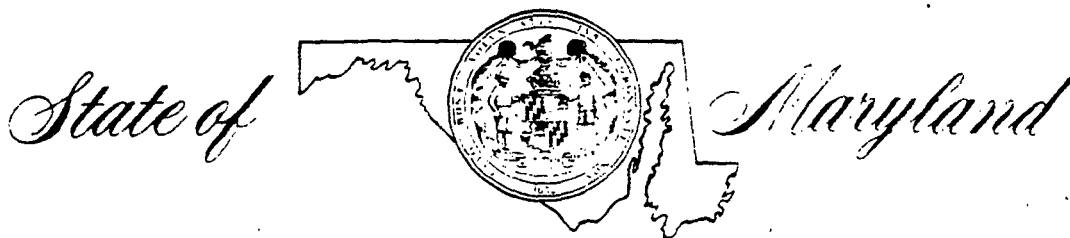
Should you have any questions about the enclosed material please call me at 215-597-0985.

Sincerely,

Michael Bass, EPM
DELMARVA-DC/WV CRES
Hazardous Waste Enforcement Branch

Enclosure

AR301668



DEPARTMENT OF THE ENVIRONMENT

201 WEST PRESTON STREET • BALTIMORE, MARYLAND 21201

AREA CODE 301 • 225- 6953

William Donald Schaefer
Governor

Martin W. Walsh, Jr.
Secretary

February 17, 1988

Ms. Laura Boornazian, Chief
DELMARVA, WV/DC CERCLA
U.S. Environmental Protection Agency
841 Chestnut Building
Philadelphia, Pennsylvania 19107

Dear Ms. Boornazian:

The Hazardous and Solid Waste Management Administration (HSWMA) would like to further clarify some issues concerning the draft work plan for the Limestone Road Site, which were agreed upon during the December 21, 1987 meeting at E.P.A. Region III, Philadelphia, and issues discussed in the February 2, 1988 letter from the E.P.A. These issues are as follows:

- SECTION 2.1: A summary table of acceptable data from previous reports will be included in the first bimonthly report.
- SECTION 2.2: Offsite geology work will be done as it is relevant to onsite geology underneath the Limestone Road site.
- SECTION 3.2.4: Two soil samples will be taken near the Diggs Foundation from 0-24" in depth on the back side and side closest to the fill material.
- SECTION 2.3.4: The soil boring located in the oil recovery area will be sampled 0-18" and 18-24" below the existing cap.
- SECTION 3.5: Four inch well casing will be used.
- SECTION 3.8: New monitoring wells will be sampled twice.

AR301669

Ms. Laura Boornazian
Page 2

SECTION 6.0:

Proposals for the design of the long-term pump test, monitoring wells, cap design and site closure need all pertinent information for a complete proposal as outlined in the deliverables section from the September 15, 1987 letter from the E.P.A.

If you have any questions, please call Mr. David Healy or Mr. John Goin at (301) 333-2950.

Sincerely,

Frank Henderson

Frank Henderson, Chief
CERCLA Projects Division

FH/kw *kw*

cc: Mr. Ronald Nelson
Mr. Michael Powell, Esq.
Mr. Richard R. Molleur, Esq.
Mr. Jeffrey Sqambat
Mr. Michael Bass
Mr. David Healy
Mr. John Goin

AR301670

FEB 04 1988

Mr. Richard R. Molleur, Esq.
Heron, Burchette, Ruckert and Rothwell
Suite 700
1025 Thomas Jefferson Street, N.W.
Washington, DC 20007

Dear Mr. Molleur:

Enclosed are the documents which you request I send to
you. If you need further information please call me at
215-597-0985.

Sincerely,

Michael Bass, Hydrogeologist
DELMARVA/DC/WV CRES (3HW16)

Enclosure

3HW16: M. Bass:ms:01/27/88:0985

3HW16
M. Bass

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